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STATE FOR EUR/UMB, L/T

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TAGS: [PREL](#) [PBTS](#) [MD](#) [RO](#)

SUBJECT: FEW OUTSTANDING ISSUES BLOCK MOLDOVAN-ROMANIAN BORDER AND  
POLITICAL TREATIES

Classified By: Charge Kelly Keiderling for reasons 1.4(b) and (d)

¶1. (C) Summary: Treaty specialists from the MFA Legal Department and the Romanian DCM explained Moldovan and Romanian views of the outstanding issues on the draft border and political treaties currently under negotiation. Only minor differences in wording remain. If the political will existed on both sides, these could easily be resolved. The Moldovan treaty specialists blamed Romania for blocking a treaty signing. The Romanian DCM said Romania was ready to sign, but Moldova was stalling. End Summary.

Each Side Blames the Other for Delays  
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¶2. (C) Dumitru Socolan, Head of the Treaty Division of the International Law Department of the Moldova MFA, and Liljan Moraru, Head of the Division of European Legislation in the same department, met January 29 with Pol/Econ chief to discuss the outstanding issues blocking a final agreement of the Moldovan-Romanian border and political treaties. In a separate meeting on February 5, Romanian DCM Monica Sitaru listed the exact same points of disagreement that had been raised by the Moldovan side.

¶3. (SBU) Following are the remaining issues that Moldova and Romania are negotiating in the border and political treaties:

Begin Issues List:

Three Controversial Issues in the Border Treaty:  
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(1) Name of the Treaty:

Moldova wants the treaty to be called "The Agreement between the Republic of Moldova and Romania about State Borders, Border Regime, Cooperation and Mutual Assistance on Border Issues." The Romanians want only reference to a Border Regime, without the wording "State Borders."

Moldovan Explanation:

Both sides agree that the border already exists, and recognize that it was fixed by the 1947 Paris Treaty between Romania and the USSR, and by the subsequent 1961 agreement on the border. Moldova argues that these treaties were signed between Romania and the Soviet Union, which no longer exists. Thus, the 1947 treaty established Romania's border with the Soviet Union, but not its border with Moldova, so juridical recognition of the border between Romania and Moldova is necessary. (Note: Underlying this problem is a Moldovan suspicion that Romania does not want to recognize the border because its political elites harbor a desire to incorporate Moldova. End note.)

Romanian Position:

The Romanian side wants the title "Border Regime Treaty" while the Moldovans want "Border Treaty." The treaty draft does not change the border and hence is not a border treaty, but rather is only an agreement that regulates the border regime. The border was

established by the 1947 Paris Treaty and by the 1961 agreement. Moldova is a legal successor of the USSR, and hence those treaties are still considered valid. Ukraine signed a similar agreement with Romania in 2003, and found the approach of signing a "Border Regime Treaty" to be acceptable.

(2) Reference to the 1947 Paris Treaty in Article 4:  
Article 4 of the Border Treaty refers to earlier documents which establish the border.

**Moldovan Explanation:**

Moldova argues that the border was fixed in the 1947 Paris treaty, and hence a reference should be made to that treaty. Socolan claimed that Romania did not want to include a mention of the 1947 treaty because that treaty reminded Romania of its humiliating loss of territory during World War II.

**Romanian Position:**

The 1947 Paris treaty refers to an alleged treaty in 1940. Romania claims the 1940 document was not an agreement freely signed by two nations, but rather was an ultimatum from the USSR. The 1940 document incorporated in the Soviet Union Bessarabia and North Bukovina, which since World War I had been part of Romania. The Romanian DCM explained that public opinion in Romania would not accept an allusion to the 1940 document. If the MFA agreed to a concrete reference to the 1947 Paris Treaty, which in turn referred to the 1940 document, the Romanian Parliament may not be able to ratify the border treaty.

(3) Whether to recognize the political agreement in the preamble to the border treaty:  
The Moldovan side wants the preamble of the border treaty to make reference to the political treaty, while the Romanian side does not.

**Moldovan Explanation:**

The Moldovan position is that either both agreements should be signed at the same time, or the political agreement should be signed first, as the two states should recognize each other politically before they go on to specify the borders.

**Romanian Position:**

The Moldovans say they want to sign both the border and political treaties at once. Since the two sides are closer to concluding the border treaty, Romania considers it better to sign this treaty, while continuing to work on the political treaty. In the case of Romania's agreement with Ukraine, the political treaty was signed in 1997 and the border treaty six years later in 2003.

**Four Controversial issues in the Political Agreement**

(1) The level on which to sign the agreement:  
The Moldovan side argues that the agreement should be signed on an inter-state level, but reports that the Romanian side wants to sign it as an inter-governmental accord.

Moldova's argument is that governments change, but states remain. Socolan claimed that all other Romanian treaties have been signed on an inter-state level. Socolan is concerned that this discrepancy was politically motivated. An inter-governmental accord could be approved without a parliamentary vote, while an inter-state agreement needed legislative approval. Socolan is concerned that an inter-governmental accord pushed through without parliamentary approval would be crippled from the start, and insisted that an inter-state accord would be more powerful.

(2) Language in preamble about common culture: Romania reportedly wants a reference to a common culture; Moldova wants no such mention.

Socolan said that Romania wanted to include a provision in the preamble called "the special character of relations," which refers to a shared culture, history and language. Moldova considers itself a multi-ethnic society which includes many Russians, Ukrainians, Gagauz, Jews, Bulgarians, etc., many of whom do not speak Romanian, and do not share that common language. This provision could cause internal dispute. Moldova would prefer that the agreement focus on the future, rather than the past. Moldova would prefer a more

general, more European comment on common culture, e.g., a mention of common European cultural values and history or a common desire for European integration. According to Socolan, Romania considered the special character of relations clause to be fundamental and would not sign without it. Socolan noted that the wording in this clause had major significance for Moldova in settlement of the Transnistria conflict.

(3) Reference in preamble to peoples:

Moldova proposed a reference to two peoples, in a phrase saying that the agreement was between the peoples of the two countries. Socolan claimed that Romania does not recognize Moldovans as a separate people, viewing Moldovans as Romanians.

(4) The issue of universities:

According to Socolan, Romania wanted to include the possibility of each side opening a university branch in each others territory. Moldova prefers that this be a separate agreement between Ministries of Education and not included in the political treaty.

End Issues List.

Comment: A Question of Political Will

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13. (C) The outstanding issues in the two treaties are minimal. Signing the agreements is a question of political will. If the will existed on both sides, the final divergences on wording in the border treaty could be resolved. Instead, each side blames the other for stalling the process.

14. (C) Romanian officials believe that President Voronin does not want to sign treaties with Romania this year, preferring instead to include an anti-Romania message in his party's campaign for the 2009 elections. We see no signs that President Voronin is inclined to tone down the anti-Romanian rhetoric. Many observers in Chisinau believe that Voronin is letting the Romanian relationship sour in an effort to win Moscow's favor for a Transnistrian settlement.

KEIDERLING